

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**BOOKER ORLANDUS TARVIN**

**PLAINTIFF**

**V.**

**CAUSE NO. 3:18-CV-893-CWR-FKB**

**SHERIFF VICTOR P. MASON, et al.**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court pursuant to the Report and Recommendation of the United States Magistrate Judge, which was entered on July 29, 2020. Docket No. 24. The Report and Recommendation notified the parties that failure to file written objections to the findings and recommendations contained therein within 14 days after service would bar further appeal in accordance with 28 U.S.C. § 636. *Id.*

This Court, finding that there has been no submission of written objections by any party, hereby adopts said Report and Recommendation as the Order of this Court with one modification.<sup>1</sup> Accordingly, this case is dismissed without prejudice. A separate Final Judgment will issue this day.

**SO ORDERED**, this the 25th day of August, 2020.

s/ Carlton W. Reeves  
UNITED STATES DISTRICT JUDGE

---

<sup>1</sup> The R&R calls for Plaintiff's complaint to be dismissed with prejudice. "Failure to exhaust, however, warrants dismissal without prejudice, which permits the litigant to refile if he exhausts or is otherwise no longer barred by the PLRA requirements." *Bargher v. White*, 928 F.3d 420, 447 (5th Cir. 2019) (citing *Booth v. Churner*, 523 U.S. 731, 735 (2001); *Wright v. Hollingsworth*, 260 F.3d 357 (5th Cir. 2001)).